

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In re:

FRANK MARIO BELLA,

AFFIDAVIT OF  
FREDERICK C. KELLY

Chapter 7

Case No. 8-14-71052-reg

Debtor.

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TO THE HONORABLE ROBERT E. GROSSMAN,  
UNITED STATES BANKRUPTCY JUDGE:

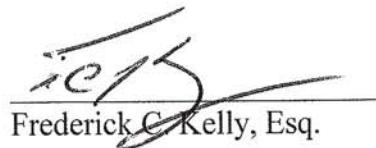
State of New York      )  
                            )  
                            ) ss:  
County of Orange      )

Frederick C. Kelly, being duly sworn, deposes and states the following under the penalty of perjury:

1. I am an attorney at law, duly admitted to practice before the courts of the State of New York. I maintain offices at 28 Roe Circle, Monroe, New York 10950 and am a solo practitioner.
2. I am fully familiar with the facts and circumstances of this case as revealed by the file maintained in my office.
3. That I represent Frank Mario Bella (a/k/a Frank Borzellieri) as Plaintiff in the matter of "Borzelli vs. Daily News, et al." regarding a personal injury/defamation sustained by the Debtor on/or about July–August, 2011 and thereafter, as further set forth in the Summons and Complaint served in this matter.
4. That this Affirmation is submitted in support of the application by Kenneth P. Silverman, Esq., as a Trustee, to obtain an Order retaining my law office to continue as attorneys of

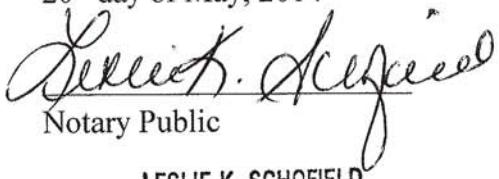
record in the prosecution of this matter for the personal injury sustained by the Debtor, Frank Bella; and pursuant to the terms of the original retainer signed in this matter, annexed hereto as Exhibit "A".

5. That neither I nor my law firm have any present connection with the above Debtor, his creditors, or any other party or interest or their respective attorneys or accountants, except to the extent that my law office is the attorney for the above Debtor with regard to the instant matter now pending in the Supreme Court for the State of New York, County of Queens, captioned "Borzellieri v. Daily News, L.P. et al." (Queens Supreme Index No.11731-12) and appeal now pending in the Appellate Division, Second Department (2<sup>nd</sup> Department Docket No. 2013-8291), wherein Plaintiff seeks damages based on the carelessness, recklessness, and negligence; and malice and defamation of the Defendants, resulting in injuries to Debtor on/or about July–August, 2011 and thereafter.
6. That your Deponent represents no adverse interest in the estate of the Debtor, Frank Mario Bella.
7. That based upon the foregoing, I am a "disinterested" party within the meaning of Section 101(14) and Section 327 of the United States Bankruptcy Code.



Frederick G. Kelly, Esq.

Sworn to me this  
20<sup>th</sup> day of May, 2014



Notary Public

LESLIE K. SCHOFIELD  
NOTARY PUBLIC, State Of New York  
No. 01SC5045569  
Qualified In Orange County  
Commission Expires June 19, 2003 2015